

AMENDED IN ASSEMBLY APRIL 13, 2005

AMENDED IN ASSEMBLY APRIL 4, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1263

Introduced by Assembly Member Yee

February 22, 2005

An act to add Section 7350.1 to the Business and Professions Code, relating to barbering and cosmetology.

LEGISLATIVE COUNSEL'S DIGEST

AB 1263, as amended, Yee. Barbering and cosmetology: equipment.

Under existing law, the Barbering and Cosmetology Act, the State Board of Barbering and Cosmetology licenses and regulates persons engaged in the practice of barbering and cosmetology, and makes a violation of the act a misdemeanor. Existing law requires an establishment in which cosmetology is practiced to be licensed by the board.

This bill would require the board to adopt regulations on or before January 1, 2007, that set forth standards and requirements for the use of whirlpool pedicure foot equipment. The bill would require these standards to be kept current with specified state and federal agency standards. The bill would require the board to develop health and safety standards to ensure individuals remain competent to practice ~~cosmetology~~ *manicure and pedicure services*. The bill would also require the board to establish penalties for violations of these regulations ~~and to display a notice in a violator's place of business or employment for specified violations.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Due to the recent outbreaks of serious infections
2 and the lack of standards for the proper disinfection of pedicure
3 equipment in California, it is imperative that the safety of
4 manicure, pedicure, and all nail salon customers be assured. This
5 can only be accomplished by the adoption of regulations that will
6 not only require, but will also ensure that proper safety
7 requirements are followed.

8 SEC. 2. Section 7350.1 is added to the Business and
9 Professions Code, to read:

10 7350.1. (a) The board shall adopt regulations on or before
11 January 1, 2007, that set forth standards and requirements for the
12 use of whirlpool pedicure foot equipment that do all of the
13 following:

14 (1) ~~Require minimum~~ *Establish minimum safety specifications*
15 *for whirlpool pedicure foot equipment. The board may consider*
16 *safety specifications on all electrical equipment used in salons all*
17 *salons providing manicure and pedicure services* to be approved
18 and certified by Underwriters Laboratories, Inc. or Canadian
19 Standards Association.

20 (2) Require the use of disinfectants registered at a level for
21 instrument disinfection by the federal Environmental Protection
22 Agency.

23 (3) *Establish procedures to ensure the proper and safe*
24 *operation of pedicure foot spas.*

25 (4) Establish proper protocols for disinfecting all multiuse
26 tools and equipment between patrons *in all salons providing*
27 *manicure and pedicure services.* The time of contact shall be 10
28 minutes and the disinfection shall be by complete immersion on
29 nonporous items such as, but not limited to, ~~combs, brushes,~~
30 cuticle nippers, pushers, electric file bits, and nail files.

31 ~~(4)~~
32 (5) All equipment that holds water for pedicures, including
33 whirlpool spas, pipe-less whirlpool spas, footbaths, basins, tubs,
34 sinks, and bowls shall be cleaned of all visible debris and residue
35 after use of each patron, and then disinfected by circulating,

1 where applicable, or to remain in wet contact with all surfaces of
2 the pedicure appliance or equipment, regardless of mechanical
3 configuration, the correct dilution of disinfectant through the unit
4 for 10 minutes. Automated systems for cleaning and disinfecting
5 in accordance with this provision are acceptable and preferred.
6 Where applicable, the disinfectant is to remain in wet contact
7 with all surfaces of the pedicure appliance and pedicure
8 equipment, regardless of the mechanical configuration.

9 ~~(5)~~

10 (6) If the appropriate technology is available, establish
11 minimum safety specifications and other requirements for the
12 manufacture of new whirlpool pedicure equipment and the
13 modification of existing whirlpool equipment to ensure that the
14 proper disinfectant is used for the appropriate duration.

15 ~~(6)~~

16 (7) Establish accountability procedures and notification
17 requirements to customers that proper cleaning and disinfection
18 procedures have been followed on all multiuse tools and
19 equipment prior to providing any ~~salon service including, but not~~
20 ~~limited to, manicures and pedicure.~~ *manicure and pedicure salon*
21 *service.*

22 (b) The board shall keep disinfection standards and protocols
23 current with standards set by the State Department of Health
24 Services, the United States Environmental Protection Agency,
25 United States Centers for Disease Control and Prevention, and
26 the Association for Professionals in Infection Control and
27 Epidemiology.

28 (c) The board shall develop health and safety standards and
29 measures for assuring individuals remain competent to practice
30 ~~cosmetology~~ *manicure and pedicure services* and to require
31 remediation for those who do not meet the established standards.

32 (d) (1) The board shall also establish, pursuant to Section
33 125.9, penalties for licensees and establishments that violate
34 regulations adopted pursuant to this section.

35 (2) The board shall conspicuously display a notice in a
36 violators place of business or employment if any or all of the
37 following occurs:

38 (A) The board has revoked, suspended, or denied a license to
39 operate a nail salon or pedicure foot spa.

1 (B) The board has assessed a fine or penalty, has issued a
2 citation, or taken other disciplinary action against an operator of
3 a nail salon or pedicure foot spa.
4 ~~(3) The board shall post a listing of violators on its Web site,~~
5 ~~including the violator's business address and a description of the~~
6 ~~violation.~~